



Proposed Amendments to the City Planning Commission Rules

City Planning Commission | February 3, 2023

OBJECTIVES

- 3 objectives:
 - Improve readability;
 - Improve functionality; and
 - Revise quasi-judicial hearing procedures.

OBJECTIVES

- How we improved readability:
 - Eliminated legalese to the extent practical:

Existing:

“Proof shall be established by a preponderance of the evidence. All interested and proper parties may present competent and relevant evidence before the Commission. The Commission seeks facts, not opinions, and those facts shall have a direct bearing on the particular issue(s) before the Commission. The Chair may limit or exclude any testimony that the Chair deems, in the Chair’s discretion, does not have any tendency to prove or disprove any issue in the case before the Commission and is irrelevant.”

Proposed:

“Burden of Proof. With respect to quasi-judicial items, an applicant bears the ultimate burden of proof by a preponderance of the evidence.”

“In their discretion, the Chair may limit or restrict the applicant’s presentation to the matters relevant to the application.”

OBJECTIVES

- How we improved readability:
 - Rewrote sentences in active voice:

Existing:

“No item which is not contained on the Agenda shall be considered by the Commission unless a majority of the Commission members present vote to consider such item by leave.”

Proposed:

“The Commission may only consider items not included on the Agenda following a motion, second, and a majority vote of members present to consider such items by leave.”

OBJECTIVES

- How we improved functionality:
 - Broke up multi-topic paragraphs and reorganized them under topic-specific captions;
 - Added captions to meeting and hearing procedure to create a quick-reference roadmap:

Existing:

1. The Chair shall call the item being considered in the order set forth on the Agenda.
2. Staff from the Department of City Planning and Buildings shall present their staff report to the Commission. Staff's presentation shall be no longer than three (3) minutes and may include a brief PowerPoint presentation. The use of additional written handouts are discouraged unless necessary to evidence a change to a document which was included with the Agenda that was provided to the Commission.
3. The Chair shall next ask whether the Commission members have any questions of staff.

Proposed:

1. Call Item. The Chair shall call legislative items in the order provided by the Agenda unless the Chair, in their sole discretion, determines to dispose of agenda items more efficiently.
2. Staff Presentation. The Chair shall call the Department of City Planning and Engagement staff to present its staff report to the Commission.

OBJECTIVES

- Changes to Quasi-Judicial Hearing Procedures:
 - Afford the chair discretion and flexibility over hearings:
 - Time Limits
 - Written submissions
 - Duplicative evidence and testimony, cross examination, and standing
- Additional revisions include:
 - Updates to the personal interest/ conflict of interest section:
 - Updated applicable laws and prohibited actions
 - Aligned rules to general practice:
 - Updated meeting location/ added virtual and hybrid meetings/ added a procedure for the consent agenda